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SUBSIDIARY BODY FOR IMPLEMENTATION
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PROPOSED PROGRAMME OF WORK

Note by the secretariat

1. The Conference of the Parties at its first session (COP 1) adopted a decision on the roles of the subsidiary bodies which included provision for the Subsidiary Body for Implementation (SBI) to consider a work plan at its first session (FCCC/CP/1995/7/Add.1, decision 6/CP.1, annex III). In this context, and with a view to facilitating the work of the SBI, the secretariat has prepared a proposed programme of work which is annexed to this note. Although the Chairman and officers of the SBI have been consulted on the content of the annex, the proposals remain the responsibility of the secretariat.

2. The SBI is invited to consider the proposed programme of work and to adopt, at its first session, an agreed work programme to guide its deliberations in the period up to COP 3.

3. The proposed programme of work is based on the provisions of the Convention, especially Article 10, and the decisions adopted at COP 1. It is built around a series of substantive matters that the SBI is called upon to address. The programme covers the period up to COP 3, encompassing an anticipated six sessions of the SBI.

4. The Subsidiary Body for Scientific and Technological Advice (SBSTA) will also consider a proposed programme of work at its first session. The secretariat has taken care in preparing the two programmes of work to ensure their complementarity. Efforts have been made to avoid duplication and overlap in the work of the two bodies. In this context, the proposed programmes of work include some suggested orientations or areas of emphasis for each of the subsidiary bodies. These suggestions are put forward in an attempt to optimize the work of the Convention institutions. The SBI may wish to give careful consideration to the work programme elements relating to those issues for which it and the SBSTA share responsibility. In this respect, the proposed programme of work should be read in conjunction with a background note by the secretariat on the division of labour between the two bodies (FCCC/SB/1995/Inf.1).

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Annex

SUBSIDIARY BODY FOR IMPLEMENTATION: PROPOSED PROGRAMME OF WORK

I. GENERAL ORIENTATION

1. The Conference of the Parties (COP), in its decision 6/CP.1 recalling Article 10 of the Convention, characterized the role of the Subsidiary Body for Implementation (SBI) as that of developing recommendations to assist the COP (a) in its review and assessment of the implementation of the Convention, and (b) in the preparation and implementation of its decisions. Decision 6/CP.1 also provides guidance on the tasks and functions of the SBI, its reporting to the COP, and the scheduling of its meetings.

2. Other COP 1 decisions also relevant to the programme of work of the SBI are as follows:

- Decision 2/CP.1 on the review of first communications from Parties included in Annex I to the Convention and decision 3/CP.1 on the preparation and submission of national communications from Parties included in Annex I to the Convention;

- Decision 4/CP.1 on methodological issues (including the allocation and control of international bunker fuels);

- Decision 5/CP.1 on activities implemented jointly under the pilot phase;

- Decision 8/CP.1 on first communications from Parties not included in Annex I to the Convention;

- Decision 9/CP.1 on the maintenance of the interim arrangements referred to in Article 21, paragraph 3, of the Convention; decision 10/CP.1 on arrangements between the COP and the operating entity or entities of the financial mechanism; decision 11/CP.1 on initial guidance on policies, programme priorities and eligibility criteria to the operating entity of the financial mechanism; decision 12/CP.1 on the report of the Global Environment Facility to the Conference of the Parties on the development of an operational strategy and on initial activities in the field of climate change and the decision of the COP relating to modalities for the functioning of operational linkages between the Conference of the Parties and the operating entity or entities of the financial mechanism (FCCC/CP/1995/7, para. 81 and FCCC/CP/1995/7/Add.1, section III (a));

- Decision 13/CP.1 on transfer of technology;

- Decision 14/CP.1 on the institutional linkage of the Convention secretariat to the United Nations; decision 15/CP.1 on financial procedures; decision 17/CP.1 on the adoption of the Convention budget for the biennium 1996-1997; decision 18/CP.1 on other voluntary funding for the biennium 1996-1997; decision 19/CP.1 on extrabudgetary funding for the interim secretariat in 1995; decision 20/CP.1 on the establishment of a multilateral consultative process for the resolution of questions regarding the implementation of the Convention (Article 13); and decision 21/CP.1 on the date and venue of the second session of the Conference of the Parties and arrangements for the third session.

A. Schedule of sessions

3. The programme of work of the SBI will have to be carried out in the context of the following schedule of meetings, as proposed by the Bureau of the COP, taking account of decision 6/CP.1, paragraphs 8 and 9, the availability of conference services and the tentative scheduling of COP 2 and COP 3:

SBI 1: 31 August - 1 September 1995, Geneva

SBI 2: During the week 26 February - 1 March 1996, Geneva

SBI 3: During the week 8 - 12 July 1996 (if COP 2 is held in October 1996)

SBI 4: Immediately preceding COP 2 (place and date to be decided)

SBI 5: During the week 3 - 7 March 1997

SBI 6: Immediately preceding COP 3

4. The SBI may wish to confirm this schedule of sessions for the period up to COP 3.

B. Schedule of work

5. The secretariat, following consultations with the Chairman and officers of the SBI, will prepare a schedule of work for the sessions of the SBI in the period up to COP 3, indicating which might be the principal items for consideration at each session. This schedule will be made available for consideration at the first session.

II. ELEMENTS OF THE PROPOSED PROGRAMME OF WORK

A. Communications from Annex I Parties

Product or task

6. The SBI will provide advice to the COP on the basis of its consideration of the information communicated under Article 12 of the Convention. Such advice will focus on the policy aspects of the national communications, the in-depth review reports, and any compilation and synthesis of these, particularly aspects relating to the overall aggregated effect of the steps taken.

Mandate

7. The SBI will provide such advice pursuant to Article 10 of the Convention, decisions 2/CP.1 and 3/CP.1 on communications from Annex I Parties and decision 6/CP.1 on the roles of the subsidiary bodies.

Activities

8. The SBI will have a standing agenda item on the communications from Annex I Parties under which documents would be taken up in accordance with the review process schedule. The following activities could be envisaged:

SBI 1: Consideration of status of national communication and review process

SBI 2: Consideration of available in-depth review reports, and of report on guidelines for the preparation of national communications from Annex I Parties

SBI 3: Consideration of new in-depth review reports, of compilation and synthesis and of approach to report to COP 2

SBI 4: Consideration of newly available in-depth review reports and finalization of report to COP 2

SBI 5: Consideration of newly-available in-depth review reports

SBI 6: Consideration of newly-available in-depth review reports and finalization of report to COP 3

B. Communications from non-Annex I Parties

Product or task

9. The SBI, with the SBSTA, will provide advice to the COP on matters relating to communications from Parties not included in Annex I to the Convention.

Mandate

10. The SBI will provide such advice pursuant to decision 8/CP.1 on communications from Parties not included in Annex I to the Convention.

Activities

11. At its second session the SBI could take up the issue of the process to consider these communications, in accordance with Article 10 of the Convention. A compilation of inputs from Parties on this subject will be available at the first session. If considered useful, the secretariat could be asked to prepare a document drawing on such submissions for consideration at the second session. This would enable proposals to be submitted to COP 2 in accordance with decision 8/CP.1 and thereby facilitate the preparation of these communications which will begin to come due on 21 March 1997.

12. Liaison with the SBSTA would be important. The views of the SBSTA on the proposals being developed could be sought. Moreover, it could be expected that the SBSTA would seek the views of the SBI on its work relating to guidelines for the preparation of communications from non-Annex I Parties.

13. The SBI could be expected to have a role in implementing any decision of COP 2 relating to the consideration of these communications, and to report accordingly to the COP. Such a role would take account of the function of the SBI to consider information communicated by all Parties under Article 12.1.

C. Allocation and control of emissions from international bunker fuels

Product or task

14. The SBI will provide advice to the COP on the allocation and control of emissions from international bunker fuels.

Mandate

15. The SBI will provide this advice pursuant to decision 4/CP.1 on methodological issues, paragraph 1 (f).

Activities

16. The SBI could, at its first session, consider what technical and other information it would need in order to make recommendations to the COP and to request such information from the SBSTA; and thereafter to consider different policy options for the allocation and control of emissions on the basis of the information provided by the SBSTA, Governments and relevant international organizations.

D. Matters relating to the financial mechanism

Product or task

17. The SBI will provide advice to the COP on policies, eligibility criteria and programme priorities relating to the financial mechanism and, on request, provide advice on the financial mechanism and on the reports of the operating entity or entities, and make recommendations related to the arrangements for the operational linkages between the COP and the operating entity or entities.

Mandate

18. The SBI will provide such advice pursuant to decision 6/CP.1 on the roles of the subsidiary bodies, annex I, paragraph 3 (a) and annex II and decision 10/CP.1 on arrangements between the COP and an operating entity or entities of the financial mechanism.

Activities

19. The SBI will consider at its first session draft arrangements between the COP and the Global Environment Facility (GEF) prepared by the secretariat in consultation with the secretariat of the GEF and bearing in mind comments made at the eleventh session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change. The SBI could take up this matter to the extent necessary at its second and third sessions so that draft arrangements can be recommended to COP 2 for adoption. It should be noted, in this connection, that the draft memorandum of understanding between the COP and the

Council of the GEF, currently under consideration, does not deal in substance with the determination of funding necessary and available, in accordance with Article 11.3(d) of the Convention (FCCC/SBI/1995/3, para. 9). This important matter will need to be addressed by the SBI and the COP in due course.

20. The SBI will also consider the reports from the operating entity of the financial mechanism. Depending on the time these reports become available, this could be envisaged for SBI 4 and SBI 6, resulting in advice to COP 2 and COP 3 respectively.

21. The SBI will also further elaborate the policies, programme priorities and eligibility criteria in accordance with requirements in this regard and make recommendations accordingly to the COP.

22. The SBI could also take up other matters relating to the financial mechanism as necessary so that this would be a standing item leading to regular reports to the COP. For example, the arrangements for the operational linkages between the COP and the operating entity or entities may require some attention, and general advice and recommendations on issues relating to the financial mechanism (for example, on the operational strategy) could be appropriate. The secretariat would provide regular updates on relevant activities, including its cooperation with the GEF secretariat.

E. Transfer of technology

Product or task

23. The SBI will provide advice to the COP on transfer of technology.

Mandate

24. The SBI will provide such advice pursuant to decision 6/CP.1, annex I, paragraph 3 (a).

Activities

25. In view of the above-mentioned mandate, the overall responsibility of the SBI to advise on the implementation of the Convention, and the need to avoid duplication of work between the SBSTA and the SBI, it is proposed that the SBI, rather than the SBSTA as provided for in decision 13/CP.1, should take up the following aspects of the reports relating to transfer of technology as requested from the secretariat by decision 13/CP.1:

(a) The SBI would consider the itemized progress report on concrete measures taken by Parties listed in Annex II to the Convention, with respect to their commitments relating to the transfer of environmentally sound technologies and know-how (SBI 3); and

(b) The SBI would consider the aspect of the inventory of technologies report relating to the "terms of transfer".

In order to respect decision 13/CP.1, the SBSTA could decide to refer matters contained in the progress report and the inventory and assessment report to the SBI.

F. Activities implemented jointly under the pilot phase

Product or task

26. The SBI, with the SBSTA and the assistance of the secretariat, will prepare a synthesis report on the information communicated by Parties relating to activities implemented jointly under the pilot phase. The SBI will also provide advice to the SBSTA on the development of a framework for reporting by Parties on activities implemented jointly.

Mandate

27. The SBI will act under the provisions of decision 5/CP.1, paragraph 2.

Activities

28. A framework for reporting on activities implemented jointly is to be established by the SBSTA in coordination with the SBI. It could be expected that the SBSTA would take the lead but would seek the advice of the SBI on a reporting framework. If such a request were received in time, it could be taken up at SBI 2 or at SBI 3.

29. If the framework for reporting is adopted at COP 2, reports on activities implemented jointly would be available from Parties after COP 2. In such case, the SBI could take up issues surrounding the synthesis report at its fifth session and provide guidance to the secretariat. It could consider the first synthesis report at its sixth session, together with any conclusions of a scientific and technical nature that may be forwarded by the SBSTA. It would transmit the synthesis to COP 3 with any advice or recommendations that may be agreed.

G. Technical and financial support

Product or task

30. The SBI could provide advice to the COP and guidance to the secretariat on the technical cooperation activities of the secretariat and its partners.

Mandate

31. The SBI would provide this advice pursuant to the decision of COP 1 to periodically review this matter and provide guidance to the secretariat.

Activities

32. The SBI could review reports from the secretariat and provide advice to the COP. The first such report could be envisaged for SBI 3.

H. Institutional and budgetary matters

Product or task

33. The SBI will provide advice to the COP on institutional and budgetary matters and interim guidance to the secretariat on such matters between sessions of the COP, as appropriate.

Mandate

34. The SBI will provide this advice under the general provisions of Article 10.1 and 10.2(c). Moreover, decision 14/CP.1 requests the SBI, at its first session, to review the proposed arrangement for administrative support to the Convention secretariat on the basis of a report from the Executive Secretary.

Activities

35. The SBI, at its first session, will review the proposed arrangement for administrative support to the Convention secretariat on the basis of a report from the Executive Secretary pursuant to his consultations with the United Nations on the allotment of overhead to defray administrative expenses. It will take decisions on this matter so that the administrative arrangements may take effect from 1 January 1996. It could also review, at that and subsequent sessions, other institutional and budgetary matters as needed.

36. At subsequent sessions, the SBI will have the opportunity:

(a) To consider the report of the Executive Secretary to COP 2 on income and budget performance, including any proposals for adjustments to the Convention budget for 1996-1997, and provide advice to COP 2 (at SBI 4); this practice could evolve into a regular report on the financial situation of the Convention institutions;

(b) To consider the proposed budget for the Convention for the biennium 1998-1999 and provide advice to COP 3 (at SBI 6); and

(c) To consider other institutional and budgetary matters that may be referred to it or which may arise on an urgent basis and provide advice to the COP or interim guidance to the secretariat.

III. OTHER MATTERS

37. The SBI is to develop proposals on its longer-term activities and organizational arrangements, including any adjustments to the functions and/or allocation of work, and the scheduling and periodicity of sessions; these proposals are to be reported to COP 2 (see decision 6/CP.1). The SBI could have an initial discussion of these matters at its second session and complete its report to COP 2 at its fourth session.

38. The SBSTA is also requested to report on its work to COP 2. It will have to adopt, at its fourth session, a series of reports, decisions and/or recommendations relating to the various items on its work programme. To the extent that additional information needs to be passed to the COP, this may be done through a report from the Chairman.

39. The officers of the SBI and the SBSTA are invited to submit to COP 2, after due consultation with their respective bodies, proposals for future cooperation between the SBSTA and the SBI and the Intergovernmental Panel on Climate Change (decision 6/CP.1, para. 6). The SBI may wish to have an initial exchange of views on this matter at its second session. On that basis, the officers of the SBI, in consultation with the officers of the SBSTA, could present some proposals for consideration at SBI 4 and transmittal to COP 2.

40. The programme of work will need to retain sufficient flexibility to allow the SBSTA to undertake additional activities, if requested by the COP or by the Ad Hoc Group on the Berlin Mandate.